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January 30, 2025

VIA ECF

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Lively v. Wayfarer Studios LLC et al.*, No. 1:24-cv-10049-LJL; *Wayfarer Studios LLC et al. v. Lively et al.*, No. 1:25-cv-00449-LJL

Dear Judge Liman:

The parties submit this joint letter and proposed case management plan and scheduling order in advance of the conference in the above-captioned matters scheduled for Monday, February 3, 2025. *See* Exhibit 1. Further, in accordance with the Court's Individual Rules of Practice, Rule 4(B) the parties identify below the reasons for certain stipulated-to deviations from the default deadlines listed in italics in the Case Management Plan available on Judge Liman's website:

- **Proposed CMP No. 4:** Any motion to amend or join additional parties shall be filed no later than April 18, 2025. This date differs from this Court's default 30-day deadline of March 5, 2025. One or more of the parties anticipate amending their complaint(s) and/or joining additional parties and would benefit from the additional time to prepare such filings.
- **Proposed CMP No. 6:** All fact discovery is to be completed no later than August 14, 2025. This date differs from this Court's default 120-day deadline of June 3, 2025. The parties expect that discovery will start immediately, but believe that this August deadline is justified in light of a substantial number of third-party subpoenas that may cause delays, the complexities that may arise from sensitive discovery collections in connection with parties in these proceedings, and additional unforeseen circumstances.
- **Proposed CMP No. 8:** All expert discovery, including disclosures, reports, rebuttal reports, production of underlying documents, and depositions shall be completed by October 15, 2025. This date is 62 days after the completion of fact discovery, which differs from this Court's default 45-day deadline. The parties anticipate that expert discovery will be significant in this matter, in order to describe complex issues including digital media and tracing. The parties believe that the two additional weeks will afford the parties necessary time to conduct expert discovery in these proceedings.

- **Proposed CMP No. 12:** Any motion for summary judgment must be filed no later than November 5, 2025. This date is 21 days after the completion of all discovery, which differs from this Court's default 14-day deadline. The parties believe that an additional week will allow the parties necessary time to prepare complex briefing after the conclusion of discovery, including incorporating expert testimony into summary judgment submissions.

On January 30, 2025, the parties discussed these deadlines and determined that there is good cause for each of the deviations from the default schedule to create a workable schedule for these proceedings in light of the complexities of the case, including the anticipated volume of discovery and numerous parties and claims. The parties respectfully submit that these deadlines will avoid unnecessary additional requests for extension of the schedule, while allowing the parties to work diligently in preparing for the trial date set by the Court for March 9, 2026.

Respectfully submitted,

s/ Michael J. Gottlieb

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